

39. (New) The method of claim 37, wherein said ratio is up to 1/3.

40. (New) The method of any one of claims 37, wherein the freezing point depressant comprises a Sugar MNS selected from at least one of erythritol, isomalt, maltitol, lactitol, or fructo-oligosaccharide sweetener.

41. (New) The method of any one of claims 38, wherein the freezing point depressant comprises a Sugar MNS selected from at least one of erythritol, isomalt, maltitol, lactitol, or fructo-oligosaccharide sweetener.

42. (New) The method of any one of claims 39, wherein the freezing point depressant comprises a Sugar MNS selected from at least one of erythritol, isomalt, maltitol, lactitol, or fructo-oligosaccharide sweetener.

43. (New) The method of claim 40, wherein the beverage syrup contains a high-potency non-caloric sweetener selected from at least one of aspartame, saccharin, acesulfame-K, cyclamate, or sucralose.

REMARKS

Applicants respectfully request that the Examiner consider this Amendment prior to examination of this application.

If there is any fee due in connection with the filing of this Preliminary Amendment, please charge the fee to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

By: 

Lori-Ann Johnson
Reg. No. 34,498

Dated: September 28, 2001

LAW OFFICES
FINNEGAN, HENDERSON,
FARABOW, GARRETT
& DUNNER, L.L.P.
3200 SUNTRUST PLAZA
303 PEACHTREE STREET, N. E.
ATLANTA, GEORGIA 30308
404-653-6400

APPENDIX TO PRELIMINARY AMENDMENT OF SEPTEMBER 28, 2001

VERSION WITH MARKINGS TO SHOW CHANGES MADE

Amendments to the Claims

2. (Amended) The beverage according to claim 1, wherein the freezing point depressant comprises a Sugar MNS selected from at least one of [the group comprising] erythritol, isomalt, maltitol, lactitol, or fructo-oligosaccharide sweetener [or mixture thereof].

4. (Amended) The beverage according to claim 1, wherein the beverage syrup contains a high-potency non-caloric sweetener selected from at least one of aspartame, saccharin, acesulfame-K, cyclamate, or sucralose [,or a combination thereof].

6. (Amended) The beverage according to claim 4, wherein the freezing point depressant is a Sugar MNS selected from at least one of [a group comprising] erythritol, isomalt, maltitol, lactitol or fructo-oligosaccharide sweetener.

8. (Amended) The beverage according to claim 4, wherein the high-potency, non-caloric sweetener is selected from at least one of [a group comprising] aspartame, saccharin, acesulfame-K, cyclamate, or sucralose[, or a combination thereof].

10. (Amended) The method according to claim 9, wherein the freezing point depressant is a Sugar MNS [is] selected from at least one of [a group comprising] erythritol, isomalt, maltitol, lactitol, or fructo-oligosaccharide sweetener [or mixtures thereof].

12. (Amended) A method of depressing the freezing point of a reduced calorie beverage syrup comprising:

preparing a reduced caloric beverage syrup by replacing up to one third of a high-potency non-caloric sweetener with a freezing point depressant selected from a Sugar MNS selected from at least one of erythritol, isomalt, maltitol, lactitol, or fructo-oligosaccharide sweetener [or mixtures thereof].